

REMARKS

Claims 1-8, 16-20, and 25-29 remain pending in the current Application. Claims 9-15, 21-24, and 30-63 are being cancelled herein without prejudice since they have been withdrawn from consideration. No amendments to claims 1-8, 16-20, and 25-29 have been made herein.

Information Disclosure Statement

The Examiner has stated that the information disclosure statement filed 1/5/00 fails to comply with 37 CFR 1.98 because copies were not provided. However, Applicants submit that the IDS statement submitted does comply with 37 CFR 1.98. As evidenced by the return receipt post card (a copy of which is being submitted concurrently herewith), copies of references AL, AR-AU were submitted with the originally filed application. Therefore, the USPTO did receive the copies. However, the copies did not seem to make it to the Examiner; therefore, Applicants are resubmitting copies directly to the Examiner. Since the error seems to be on the part of the USPTO, Applicants request that the Examiner consider these references which were provided in compliance with 37 CFR 1.98. Furthermore, since Applicants timely provided these references, Applicants submit no fees are due for the IDS.

Also note that Applicants submitted, on June 27, 2003, another IDS with a reference (BA) which was cited in a foreign search report. Therefore, Applicants request that the Examiner consider this reference, too, and provide an initialed copy of this later submitted IDS.

Specification

Applicants have amended the abstract to remove the language “A method for providing...” as requested by the Examiner. Applicants submit that the abstract is written in proper language and format. Applicants have not removed the language “in one embodiment” because this language is not necessarily implied. That is, the phrase “in one embodiment” is used in the abstract to differentiate it from the “alternate embodiment” also described therein, thus making the abstract more clear. Furthermore, the term “in one embodiment” is not legal phraseology often used in patent claims, such as “means” and “said”. Also, this language does

not repeat the language of the title. Therefore, Applicants submit that this language is proper for an abstract and have therefore left it in.

Respecting Examiner's request that Applicants include a *Summary of Invention*, Applicants, respectfully point out that (1) 37 CFR 1.77(b) states "The specification *should* include the following sections in order: [(b)(1) through (b)(11)]," (wherein (b)(6) is Brief Summary of the Invention); and (2) both 37 CFR 1.73 and the MPEP 608.01(d) state, "Such summary [of the Invention] should, *when set forth* be commensurate with the invention as claimed and any object recited should be that of the invention as claimed." Applicants accordingly submit that both Title 37 of the Code of Federal Regulations (CFR) and the Manual of Patent Examining Procedure (MPEP) unambiguously state, by using the word *should* and not *must*, that the Brief Summary of the Invention is optional with respect to its use in U.S. Patent Applications. Accordingly, because Federal Law does not so require, Applicants choose not to include a Summary of the Invention in the current Application.

Rejection of claims 1-3, 5-7, 16-18, 20, and 25-29 under 35 U.S.C. 103(a)

Applicant respectfully submits that claims 1-3, 5-7, 16-18, 20, and 25-29 are patentable over US Patent No. Re33,333 (hereinafter referred to as Taylor). For example, each of claims 1, 16, and 25 claim a passive break-before-make (BBM) element. The Examiner cites that inductor 83 in parallel with a resistor in FIG. 5 of Taylor teaches this passive BBM element. However, Applicants respectfully disagree. Claims 1, 16, and 25 are not simply claiming an inductor in parallel with a resistor but are claiming a passive BBM element. That is, not all inductors in parallel with a resistor within a circuit operate as passive BBM elements. The values chosen for the inductors and resistors as well as surrounding circuitry may further define how the inductors and resistors actually work within a circuit. As used in the specification, a passive BBM element (as claimed in claims 1, 16, and 25) provides a specific function. That is, the passive BBM elements are designed to have a relatively high impedance during short terms and low impedance during long terms. Also, a passive BBM element works to limit the current through the short circuit path which may be formed between the switches when both are turned on.

The inductor and resistor of Taylor do not operate as a BBM element. The inductors 83 and 84 form the amplifier output reactance of Taylor, and Taylor does not teach or describe inductors 83 and 84, along with the resistors in parallel to them, as operating as a BBM element. Also, the sample values of inductors 83 and 84 given in Taylor are relatively large indicating a filtering function. Furthermore, the only element in Taylor that could be considered a BBM element is illustrated in FIG. 5 of Taylor as a diode in parallel with a resistor (coupled to lines 76 and 77). This BBM element of Taylor is similar to that of prior art FIG. 2 of the current application which ensures that both switches 40 and 42 are not on at the same time. That is, Taylor uses a diode in parallel with a resistor (coupled to lines 76 and 77) as a BBM element to introduce a dead time such that switches 80 and 81 are not on simultaneously. This is clearly not a passive BBM element, therefore introducing the problems discussed in the current Application in reference to prior art FIG. 2. Furthermore, having BBM elements on lines 76 and 77 of Taylor precludes the need for Taylor to have additional BBM elements. Therefore, for at least these reasons, Applicants submit that claims 1, 16, and 25 are allowable over Taylor.

Claims 2-8, 17-20, and 26-29 have not been independently addressed because they depend directly or indirectly from allowable claims 1, 16, and 25, respectively, and are therefore allowable for at least those reasons stated above with respect to claims 1, 16, and 25.

Conclusion

Although Applicants may disagree with statements made by the Examiner in reference to the claims and the cited references, Applicants are not discussing all these statements in the current Office Action, yet reserve the right to address them at a later time if necessary.

Applicant respectfully solicits allowance of the pending claims. Contact me if there are any issues regarding this communication or the current Application.

If Applicant has overlooked any additional fees, or if any overpayment has been made, the Commissioner is hereby authorized to credit or debit Deposit Account 502117.

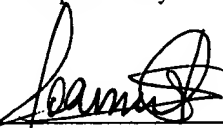
Respectfully submitted,

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